

PUBLIC SAFETY AND CRIMINAL JUSTICE COMMITTEE

DATE: June 3, 2009

CALLED TO ORDER: 5:56 p.m.

ADJOURNED: 7:55 p.m.

ATTENDANCE

Attending Members

Ryan Vaughn, Chair
Vernon Brown
Bob Cockrum
Benjamin Hunter
Mary Moriarty Adams
William Oliver
Christine Scales

Absent Members

Marilyn Pfisterer

AGENDA

PROPOSAL NO. 62, 2009 - the consolidation of the Perry Township Fire Department with the Indianapolis Fire Department on or after August 1, 2009

“Do Pass as Amended”

Vote: 4-3

PUBLIC SAFETY AND CRIMINAL JUSTICE COMMITTEE

The Public Safety and Criminal Justice Committee of the City-County Council met on Wednesday, June 3, 2009. Chair Ryan Vaughn called the meeting to order at 5:56 p.m. with the following members present: Vernon Brown, Bob Cockrum, Benjamin Hunter, Mary Moriarty Adams, William Oliver and Christine Scales. Absent was Marilyn Pfisterer. Representing Council staff were Robert Elrod, General Counsel, James Steele, Chief Financial Officer (CFO) and Aaron Haith, Minority Counsel.

PROPOSAL NO. 62, 2009- approves the consolidation of the Perry Township Fire Department with the Indianapolis Fire Department on or after August 1, 2009

Chair Vaughn apologized for the late convening of the meeting, and stated that there were some late filing amendments that he had not had the opportunity to look over. He said the proposal was originally entertained at a previous committee meeting, and there were some concerns at that time with regard to minority participation and the tax levy and numbers that City Controller, David Reynolds, discussed. He said the proposal was passed out of committee, with his commitment that if the language differences were not resolved prior to the full Council meeting, that he would make a motion to send it back to committee for further discussion. He said there are two amendments before the Committee today that express similar ideas, but different methods of achievement.

Scott Newman, Director, Department of Public Safety (DPS), said this proposal has been vetted very thoroughly by everyone concerned. He said this proposal attempts to merge two excellent fire services into one that can better serve the public at better cost provisions. He said this was a six-month process in which all of Perry Township's financial circumstances, personnel issues, rank and pay structure, contract obligations, encumbrances and debts were revealed. Director Newman said they have tried to address all concerns expressed in a proposed amendment written by City Legal (Exhibit A). He said Section 4 of the amendment deals with the closure of stations, and they will bind themselves to a statement that no further station closures are contemplated during the year 2010. He said Indianapolis Fire Department (IFD) Station #26 on the south side was closed, because the site was no longer appropriate due to some road work being done and their belief that the level of service will not be impaired by the closure. He said after discussion with Councillor Oliver, Mr. Haith and others, they are prepared to strike the first underlined sentence in Section 4 (as shown on Exhibit A). Director Newman said that Section 5 deals with making purchases for IFD and requires the director of public safety to consult with the administrator of the Office of Minority-owned and Women-owned businesses under the Human Rights Ordinance, which has more ambitious goals than the state. Director Newman said that Section 6 deals with the promotional and recruitment processes of the department. He said they took out the actual numbers that Councillor Oliver originally proposed and put in the IFD policy that outlines IFD's commitment to diversity (as shown in Exhibit A). He said they also have a reporting requirement in which they report to the Justice Department on a regular basis and to the Public Safety and Criminal Justice Committee. In addition, they added a statement of their attempt to reach out to the public school districts in Marion County to recruit high school-age children to get involved in emergency medical services. Director Newman said that this would address the gap between the graduation age of 18 and the 21-year age limit for applying to the fire service. He said during the three-year period, DPS can help young adults get Emergency Management Training (EMT) certified, which will allow them to work in the Emergency Medical Services (EMS) for the city or anyone else.

Director Newman said Section 20 of Exhibit A addresses the concern about additional tax dollars imposed on IFD special fire service district tax rate payers. He said in working with the Office of Finance and Management (OFM), they determined that there will be a freeze on the tax rate for the IFD consolidated fire service district for 2009. The Perry Township fire service district will see a more modest decrease than originally proposed.

Chair Vaughn said that members of the Committee have two different amendments; one will be sponsored by Councillor Oliver and the other will be sponsored by Councillor Hunter. Councillor Hunter's amendment will be referenced as Amendment A and Councillor Oliver's amendment will be referenced as Amendment B. Chair Vaughn said that he would like to tailor the discussion in three areas, as both amendments affect 1) the tax rates for IFD and Perry Township, 2) minority participation in purchasing, and 3) minority participation in human resources and hiring. He asked Jason Dudich, Deputy Controller, OFM, to be prepared to make himself available to discuss the tax rate portion of the amendments.

Councillor Moriarty Adams asked if she is correct in her understanding that the tax rates for the IFD consolidated special service district will be frozen at the 2009 rate for 2010. Mr. Dudich answered in the affirmative.

Councillor Cockrum said that he recalls from the previous meeting that a question was asked regarding the amount of increase per firefighter to achieve parity with IFD, and the response was just over \$5,000 per firefighter. He said with approximately 100 Perry Township firefighters, it will cost the city about \$500,000. Councillor Cockrum said he received information this morning that indicates that the levy for 2007 was a little less than \$7,050,000, but the rate for 2008 increased to \$8,270,000. In addition to that, the loan was increased in 2007 by \$1,200,000 and again in 2008 by \$900,000. He said a statement was made that the taxes that Perry Township would pay are being increased to pay IFD. He said he represents a portion of Perry Township, and he is not comfortable with levying an increase on those constituents due to consolidation. Director Newman said he is glad that Councillor Cockrum raised the point about the pay differential. He asked Chief Brian Sanford, Indianapolis Fire Department (IFD), to address that issue. Chief Sanford said that the question was originally in reference to salary only, but when looking at the total salary/benefit package, the Perry Township firefighters will see an increase in the salary line, but it will be offset because they are covered by social security, and IFD firefighters currently are not. He said this will result in a reduction in the contribution that the township now makes for the firefighters that the City will not have to make. He said there is a similar issue with the Public Employee Retirement Fund (PERF), as there will be a 3% PERF contribution that is the firefighter's share currently being paid by the township. He said those two items account for close to 10% of the total salary/benefit package. Additionally, the township firefighters' current health insurance is a higher benefit level package with a higher cost associated. Chief Sanford said all of these factors closely offset the increase in salary for the total package.

Councillor Cockrum said when the police were consolidated, the police and sheriff's departments had two different retirement programs, which required federal approval in order to change them. He asked, in this case, if the firefighters have to vote on whether or not they stay in social security. Chief Sanford answered in the negative. Councillor Cockrum asked if the

firefighters will automatically be taken out of social security and put into PERF. Chief Sanford answered in the affirmative.

Councillor Brown asked if Councillor Oliver will have a chance to go over his proposed amendment, so that the general public will be able to hear the differences in the amendments. Chair Vaughn answered in the affirmative. Councillor Brown asked what the fiscal impact of lowering the Perry Township fire services rate would be. Mr. Dudich answered that by freezing the IFD rate and lowering the Perry Township fire services rate by .005, the overall impact would result in a loss of about \$153,000 in revenue for 2010, based on OFM's assumptions. Chair Vaughn added that as he understands it, Perry Township's property taxpayers will now receive a tax benefit of \$5 on the net assessed value of a \$100,000 home.

Chair Vaughn said that Amendment B did not differ from Amendment A with respect to the tax rate portion. He asked Councillor Oliver to explain his amendment, highlighting how it differs from Amendment A. Councillor Oliver said that Councillor Hunter can save a lot of time by withdrawing his Amendment A and adopting Amendment B. Councillor Oliver said Amendment B (attached as Exhibit B) includes the components that Chair Vaughn mentioned, but more specifically addresses the City's woefully low record with minority and women-owned businesses doing business with the City, and with the executive-level appointments of the public safety department being able to better reflect the community by looking at the census numbers. He said another part of Amendment B deals with no closing of IFD stations. He said it seems that IFD is being dismantled, while the Perry Township Fire Department is being protected.

Councillor Oliver discussed Exhibit B, and read the underlined portion of Section 5 of Amendment B, which includes the entire public safety division and not just IFD and lists specific minimum and maximum dollar amounts. He then read the underlined portion of Section 6 of Amendment B, with the difference between Amendment A being the inclusion of the public safety division and the reference of diversity reflecting the U.S. Bureau of Census. In addition, both Sections 5 and 6 request that the public safety director file quarterly reports with the City-County Council.

Councillor Oliver read Section 19 of Amendment B, as it is not a section included in Amendment A. He asked Mr. Haith to further explain the reasoning for these proposed changes. Councillor Hunter asked, with respect to the underlined portion of Section 5 of Amendment B, what businesses are being referenced. Mr. Haith answered that it is referring to minority and women-owned businesses. He said that a technical amendment can be made to correct that.

Councillor Moriarty Adams said, with respect to the minimum and maximum amounts referenced in Section 5 of Amendment B, it is her understanding that the purchases in Characters 02, 03 and 04 have to go out for bid, and those minority vendors would have to be able to provide specific services. She asked how dollar amounts can be specified without knowing if the minority-owned business can perform the services and if bid regulations have to be followed. Mr. Haith said that the minimum and maximum numbers are from the Human Rights ordinance that takes a percentage of the entire public safety department's budget; and the requirement of a quarterly report by the public safety director will state whether or not the requirements were met and if not, why they were not met. Mr. Haith said, with respect to bidding procedures, he understands that the City has a contracting section that is aimed at helping women and minority-

owned and distressed businesses meet the City's bidding requirements. He said the City has in the past managed to break contracts in a way as to recognize the needs of women and minority-owned and distressed businesses with respect to contracting. Mr. Haith added that the quarterly reports allow the Council to instruct the public safety director or give him ideas on how to improve things for future reports, if necessary. Chair Vaughn said that this language goes further than requiring that an effort is made; it requires minimum standards or hard targets as opposed to what the Human Rights ordinance or state law requires. The Human Rights ordinance and state law state that goals or incentives can be adopted, or in the instance of procurement procedures, preference points can be provided for businesses. However, the language in Section 5 of Amendment B actually sets minimum standards. Mr. Haith said that the language still states "shall."

Chair Vaughn said when the original ordinance came before the Committee and there was some discussion on this subject, he was opposed to establishing a percentage participation, because it may open the City up to litigation with the Department of Justice for setting firm standards. He said the City has successfully been sued twice for racial discrimination by white males for setting these types of standards. He asked Mr. Haith if he believes that this language goes too far by setting a hard target. Mr. Haith answered in the negative, and stated that a couple of years back the City did a disparity report of distressed businesses and its record of dealing with minority and women-owned businesses. He said that there is a Supreme Court case out of Virginia that states if there is such a report prepared that shows what the city's record has been in dealing with women or minority-owned or distressed businesses, and that report was issued, then the City could establish goals. He said the disparity report was done before the Human Rights ordinance was amended to set the percentages of 15% and 8%. Mr. Haith said that the State of Indiana did its report in 2004. Chair Vaughn said he understands this point, but feels that both the State and the City have set goals, but this language appears to be a requirement that could open the City up for litigation. Mr. Haith said that the word "minimum" could be changed to "goal." Chair Vaughn asked if there is a willingness to change that word or if the language in Section 5 of Amendment A could suffice. Mr. Haith said that he is willing to change the word because he does not have the case site or the disparity report available, but the idea is to show how much money is available, pursuant to the City's goals, and to say that the goal should be met with a decent effort and be referenced in the public safety director's report. Mr. Haith added that the language in Section 5 of Amendment B addresses the entire public safety department, and not just IFD.

Director Newman said the total of IFD's Characters 02, 03 and 04 budget combined is \$11.3 million for 2009, and the total of IMPD's Characters 02, 03 and 04 budget is \$24.6 million, for a total of \$35.9 million. He said he is concerned that so much of this merger is beyond the control of DPS, as well as the City. For example, for IFD, the largest amount of non-Character 01 purchases that are made are for apparatus. He said, unfortunately, he is not aware of any minority manufacturers of fire engines. He said the essence of Amendment A is to state the goals, which are the goals of the Human Rights ordinance. He said the problem with using numbers instead of percentages is that each year the numbers will equal different percentages, and is therefore, inconsistent with the Human Rights ordinance because the budgets will change each year.

Councillor Brown said that the City has not met the 15% and 8% requirements of the Human Rights ordinance. He said he believes that last year, public safety only had 3% participation. In order to help achieve the goals, numerical numbers are given based on the total number of dollars under the entire public safety department. He added that Character 03 is professional services, and can be contracted to anyone without going through the bidding process. Councillor Brown said that the attempt with Amendment B is to ensure that the City is more aggressive in accomplishing the goals set by the Human Rights ordinance than they have been in years past. Chair Vaughn agreed with the attempt, but does not believe that actual numbers are the way to accurately reflect how to accomplish the goal.

Councillor Hunter said he believes that there should be some effort put into trying to determine why the goals are not being met, but putting hard numbers on it will not solve the problem. He said he also agrees with Chair Vaughn that definite numbers could open the City up to litigation. Chair Vaughn said that putting hard numbers in the ordinance could also serve as an injustice, because if the City ever reached the point of consolidating all of the fire departments, IFD's budget could double, and the number would remain the same and reflect an even lower percentage rate. Mr. Haith added that with the disparity report, the City can be sued for not making a serious effort to meet the numbers. Director Newman said that the dollar amounts given in Section 5 of Amendment B represent about 23% to 33% of Public Safety's total Characters 02, 03 and 04 budget, excluding Animal Care and Control. Councillor Brown agreed, and said that 23% is the current requirement of the Human Rights ordinance by combining the 15% and 8%.

Chair Vaughn asked Councillor Oliver to discuss the minority participation in the human resources portion of Amendment B. Councillor Oliver said he looked at the appointments of the command staff of IFD and IMPD. The Consent Decree has been lifted, and so far, nothing has been done to reflect the Census tracts in Marion County with respect to appointments of IFD and IMPD's command staff, which is why Amendment B addresses that issue. Councillor Oliver said, on the current path, women and minorities will be left out when it comes to the command staff.

Director Newman said that he feels that Amendment A encompasses the appointment of command staff and promotions of the appointed ranks. He said, currently, of the administrative staff of IFD, which includes chiefs, assistant chiefs, division chiefs, shift commanders, battalion chiefs, captains, and lieutenants, 60% are white male, 35% are African American male, and 7.5% are female. He said the current demographic of Marion County is 25% African American and 7% Hispanic. Councillor Oliver said that he has been requesting this information for several weeks, and had not received it. He said he would greatly appreciate having that information at his fingertips. Director Newman said that he will provide that information to Councillor Oliver.

Councillor Brown said he believes that Councillor Oliver is particularly interested in the number of battalion chiefs and above for IFD, and majors and above for IMPD. He asked Chief Sanford if there are any women in the command staff. Chief Sanford answered in the negative, and stated that there were previously two females, who have both left of their own desire. Chief Sanford added that IFD has two assistant chiefs, one of which is African American; five division chiefs, one of which is African American; and three shift commanders, two of which are African American.

Councillor Hunter said that he agrees with Councillor Oliver that this is an issue that should be addressed now as opposed to later, but he believes that Amendment A addresses this. Chair Vaughn stated that the true goal is to establish a department that more closely reflects the community in Indianapolis. He asked, given the percentages that Director Newman provided, if Councillors Brown and Oliver now believe that more white males should be included in the command staff. Councillor Oliver said that he does not believe the percentages that Director Newman provided are correct, because they also include department ranks, but should only include command staff. In addition, he said that he does not believe that Section 6 of Amendment A accomplishes anything other than the fact that the public safety director will inform the Committee about promotional processes, hiring processes and appointments made, but that is already the case. Councillor Hunter said the current public safety director provides the information, but this will establish the requirement for future directors. He also feels that there need to be more Hispanics in the department, and he feels that there will be more results in the long-term. Director Newman said that he feels that setting goals is not enough, as businesses need help to learn about the procurement process, what is available to them, and how to tap into it.

Chair Vaughn said there has been discussion on tax rates, purchasing and human resources. He asked if there is any other discussion from the Committee. No discussion was forthcoming.

Councillor Oliver moved, seconded by Councillor Brown, to "Amend" Proposal No. 62, 2009 as described in Exhibit B.

Chair Vaughn asked Mr. Elrod if public testimony should be taken before the amendment is passed. Mr. Elrod answered in the negative, and stated that public testimony has already occurred on the proposal; therefore, the Committee may continue and simply take testimony on the final amended proposal. Councillor Brown said that Amendment A does not improve diversity or minority hiring, but Amendment B addresses those issues specifically. The motion to "Amend" the proposal as per Exhibit B failed by a vote of 2-5, with Councillors Hunter, Scales, Cockrum, Vaughn and Moriarty Adams casting the negative votes.

Councillor Hunter moved, seconded by Councillor Scales, to "Amend" Proposal No. 62, 2009 as shown in Exhibit A. Councillor Cockrum said, with respect to Section 4 of Amendment A, he wants to ensure that the Committee is not committing to a county-wide fire consolidation. Chair Vaughn answered that the way the amendment is written does not commit the City to a county-wide fire consolidation. Councillor Brown asked if the language that prevents closure of stations can be added to Amendment A. Chair Vaughn said that is the reason that the first sentence in Section 4 is being stricken. He said Councillor Oliver and Mr. Haith believe that sentence left too much of a gray area. Councillor Brown said that he feels that it still leaves too much of a gray area. Chair Vaughn disagreed.

Councillor Oliver said that he felt very strongly about Sections 5 and 6 of his amendment (Exhibit B), as he does not believe the way those sections are written in Amendment A totally address those concerns. Councillor Hunter said that Section 5 addresses what is already in law and simply reiterates the commitment to those goals. He said he agrees with Councillor Brown that if those goals are not being met, the Council needs to look into that and maybe amend the

proposal. Councillor Hunter said that Section 6 is going along with the idea that Councillor Oliver had in his amendment, without the hard numbers. He said he believes that everyone agrees that more African Americans, Latinos and females need to be recruited.

Councillor Brown asked for further information on the certified tax rates from 2009, as referenced in Section 20 of Amendment A. Mr. Dudich said that the City's tax rates are determined by the standard certified by the Department of Local Government Finance (DLGF). He said if rates are not certified by January 1, 2009 for fiscal year 2009, the City may be stuck with whatever rate was published or passed by the Council. He said stating that the rate will be at the certified rate, it establishes that the rate will be determined by DLGF. Mr. Steele added that if the City went with the rate that was effective January 1, 2009, it would have been the 2007 rate, because the 2008 rate had not yet been certified by the DLGF. Mr. Dudich said that OFM did not receive the 2008 certified rates from the DLGF until a couple of weeks ago. He said if the City establishes a rate based on a particular date, but those rates have not been certified by DLGF, the City could essentially be accepting a lower or higher rate.

Mr. Steele said that the tax rate may not be certified before the 2010 budget for the City is passed; therefore, if the Council wants to ensure that the 2010 tax rate does not exceed the 2009 tax rate, then the Council should pass the rate for 2010 equal to the rate of 2009. He said once the rate has been set by Marion County, the DLGF cannot increase it. Chair Vaughn asked Mr. Steele if he can provide language that should be included in the amendment to address this issue. Mr. Steele said the language could possibly state that OFM shall submit a budget that includes a consolidated fire district tax rate for 2010 equal to the tax rate for 2009 that was passed by the Council. However, he said this could get complicated. Councillor Hunter asked if the tax rate must be set now or if it can be done as part of the budget. Mr. Steele answered that the commitment can be made now, and the actual amount addressed during the budget process for 2010.

The motion to "Amend" the proposal as described in Exhibit A carried by a vote of 4-3, with Councillors Moriarty Adams, Brown and Oliver casting the negative votes.

Councillor Moriarty Adams stated that she is very disappointed that there was not a mutual agreement with the amendments, as that is what was supposed to happen with this proposal's return to Committee. She said her understanding was that both sides would come together to work out a compromise. She said that she feels both amendments have strengths.

Councillor Cockrum said that his district includes some of the Perry Township residents, and he has had meetings with neighborhood groups, but the only people that have encouraged him to vote on this consolidation are the Perry Township firefighters. He said he has not heard from any of the Perry Township residents, and therefore, will be voting against the proposal.

Councillor Hunter moved, seconded by Councillor Scales, to forward Proposal No. 62, 2009 to the full Council with a "Do Pass as Amended" recommendation.

Gary Coons, Perry Township Trustee, said the Perry Township Fire Department did not take out an emergency loan in 2008, as the department was funded based on a tax levy coming in. He said the public safety county option income tax (COIT) that was passed in 2007 extended beyond

the borders of the IFD service district. Therefore, Perry Township taxpayers are paying for two fire departments through that tax. Additionally, those taxpayers are funding some of IFD's functions through their property taxes. He said that all of Perry Township's fire trucks will be paid off, all fire stations are paid off, and all equipment is paid off. He is in favor of the amendment because it will equal out the tax rate. He feels that this consolidation is a great move for public policy. He said they have spoken with the citizens in Perry Township, and they are all in favor of the merger.

Larry Vaughn, Concerned Clergy, said if the administration does not know how to recruit and get distressed businesses involved in the city's processes, that is when the city fails. He said he feels that all the Perry Township fire departments and equipment are dilapidated tenements that need maintenance and repair. He said he feels that this is an attempt to bring all those problems to IFD, and close seven fire stations within the IFD fire service district. He said he believes this will result in a \$50,000 tax increase to Marion County residents to build new fire stations in Perry Township.

William Boyd, Perry Township President, Southwest Perry Civic Association acting President, and Perry Township representative for Marion County Alliance of Neighborhood Associations (MCANA), said that he somewhat agrees with Mr. Vaughn, but IFD is looking for a bailout from Perry Township instead of the other way around. He said that Perry Township services the needs of their taxpayers. He said this merger will cost someone somewhere. It is unknown as to what will happen down the road, and he feels that there are still too many unknowns to send this proposal on in its current form.

Wayne Smith, President, Firefighters Local Union 416, said that he represents all the firefighters in Marion County. He thanked the Committee and the Council for their patience in working through this merger. He said they have learned that business as usual is no longer business as usual and that challenges lie ahead that will require deep thought and creative solutions, as well as mandate more open lines of communication between city leaders, Council members, and all local labor organizations. He said they will be more proactive than reactive.

Dean Teagarden, Perry Township President, said that this has been a three-year process for Perry Township. He said they have talked with everyone in the neighborhood, and they have had many meetings about this. He said the Perry Township citizens, as well as the firefighters, have agreed that this merger is a good thing.

Tom Hanify, resident and 28-year veteran of IFD, said that he has been involved in the Perry Township merger, and has talked with many of the residents. Many of them agree that there needs to be one common service. He said this is good for both Perry Township and Marion County residents.

Tom Miller, former local union representative, said that a lot has changed since he was with IFD 41 years ago. He said this needs to happen on behalf of the citizens of both Perry Township and Marion County.

Councillor Cockrum commented on Mr. Vaughn's statement that all the Perry Township fire stations are run down. He said that comment is not accurate, as there is a new station on Epler Avenue.

Councillor Scales said that she wants to clarify that the Perry Township firefighters do not simply want this merger because of selfish reasons. She said that is an insult to the firefighters. She said they have taken on a selfless task, and to believe that they are not looking at the big picture and considering all of the positive and negatives of this merger is wrong.

The motion to forward the proposal to the full Council with a "Do Pass as Amended" recommendation carried by a vote of 4-3, with Councillors Brown, Cockrum and Oliver casting the negative votes.

Councillor Brown said that he believes that he, Chief Sanford and Director Newman all want to get to the same place, but have different ideas of how to get there. He said he supports fire consolidation, but he is disappointed that they did not come to an agreement on the amendment due to a serious lack of dialogue between parties. He said he does believe that consolidation should be done all at once.

Councillor Oliver said he did not vote against the consolidation, but voted against the proposal, because he feels that this proposal did not take into consideration his feelings on some strong views. He said he wishes that there was more time to come to a consensus on those things.

With no further business pending, and upon motion duly made, the Public Safety and Criminal Justice Committee of the City-County Council was adjourned at 7:55 p.m.

Respectfully submitted,

Ryan Vaughn, Chair
Public Safety and Criminal Justice Committee

RV/nsm

MOTION TO AMEND

Proposal No. 62, 2009

Mr. Chairman:

I respectfully move to amend Proposal No. 62, 2009 (hereinafter, "the Proposal"), in three (3) instances, as follows.


Councillor

I.

SECTIONS 4, 5, and 6 of the Proposal shall be and hereby are amended by the addition of the language that is underscored, to read as follows:

SECTION 4. ~~To the extent consistent with the mission and needs of the fire service district,~~ IFD shall continue to operate the fire stations listed in SECTION 3(a) of this ordinance continuously from the effective date until there is countywide fire consolidation or December 31, 2010, whichever first occurs. However, this SECTION shall not require IFD to close existing fire stations in order to continue to operate the stations listed in SECTION 3(a) of this ordinance or to otherwise alter IFD's responsibilities as set forth at Sec. 252-109(3).

SECTION 5. On the effective date, the Township Board shall cease to have any authority over Perry FD, including its budget, except as set forth in this ordinance. All responsibility and authority for the consolidated department shall rest with IFD, the City's Department of Public Safety, the City Controller, the Mayor, and the City-County Council. In the preparation of the IFD budget and when making purchases for the IFD, the Director of Public Safety shall consult with the Administrator of the Office of minority-owned and women-owned business enterprises (Sec. 202-204) in order to assure the City-County Council that requirements of Sec. 202-401 are complied with for each budget submitted.

SECTION 6. On the effective date, the employees of the Perry FD shall cease employment with the Perry FD and become employees of the IFD. In this regard, the City shall assume all agreements with labor organizations that are in effect on the effective date and that apply to the employees of the Perry FD who become employees of IFD. Further in this regard, the Township shall advise and consult with the IFD Chief regarding any termination, layoff, or other reduction in force of Perry FD employees, the employment of any additional Perry FD personnel, or the promotion of any Perry FD personnel from the date this ordinance is adopted until the effective date. Subject to the provisions of this SECTION and the provisions of SECTIONS 18 and 19 of this ordinance, all appointments made pursuant to Sec. 252-103(d), Sec. 252-106(c) and Sec. 252-107(c) shall be made together with paramount and lawful consideration of job related qualifications, with the intent to adhere to the following statement of IFD policy.

It shall be the policy of IFD that fire protection services are best performed by a work force and leadership that represent the community served by such department, in accordance with federal and state laws and regulations.

At the request of a majority of the Public Safety and Criminal Justice Committee of the City-County Council, and in no event less than once annually, the Director of Public Safety shall come before said Committee and shall report as to the progress of IFD in achieving the aforesaid goals as to the demographic make-up of IFD. This report shall include the demographic makeup of each recruit class and of each appointment and/or promotion in IFD from the time of the last proceeding report, and further will outline efforts that have been and/or will be made in the coming year with regard to achieving the aforesaid demographic goals. For purposes of this SECTION, the demographic composition of Marion County shall be established by the official statistics published in the latest U.S. Census, or any official interim published U.S. Census projection.

Further, IFD shall institute school-based programs in the public schools of Marion County designed to develop interest in and qualifications for future members of the IFD, including its affiliated emergency medical services and/or service providers by means of promoting specialized training and certification in achieving the designation of emergency medical technician for the benefit of the residents of Marion County.

II.

The Proposal shall be and hereby is amended by the addition of a new SECTION 20, to read as follows:

SECTION 20. Upon consolidation, the Indianapolis Consolidated Fire Service District tax rate for 2010 shall be equal to the certified Indianapolis Consolidated Fire Service District tax rate from 2009. Further upon consolidation, the overall total of the Perry Township Fire services tax rate for 2010 shall be reduced by five thousandths (.005) from the certified overall total of the Perry Township Fire services tax rate for 2009.

III.

The Proposal shall be and hereby is amended by renumbering SECTIONS 20, 21, and 22 as SECTIONS 21, 22, and 23, respectively.

Proposal No. 62, 2009

MOTION TO AMEND

Mr. Chairman:

I move to amend Proposal No. 62, 2009, by inserting the words and figures underlined herein and by striking the words and figures that are stricken through, as shown below.

William C. [Signature]
Councilor

Date: 6-8-09

CITY-COUNTY GENERAL ORDINANCE NO. , 2009

PROPOSAL FOR A GENERAL ORDINANCE to approve the consolidation of the Perry Township Fire Department with the Indianapolis Fire Department on or after August 1, 2009;

SECTION 4. IFD shall continue to operate the fire stations in the present IFD district, as amended by the Washington and Warren Township consolidations, and the fire stations listed in SECTION 3(a) of this ordinance continuously from the effective date until there is countywide fire consolidation or December 31, 2010, whichever first occurs.

SECTION 5. On the effective date, the Township Board shall cease to have any authority over Perry FD, including its budget, except as set forth in this ordinance. All responsibility and authority for the consolidated department shall rest with IFD, the City's Department of Public Safety, the City Controller, the Mayor, and the City-County Council. In the preparation of the Public Safety Division budget and when making Character 2, 3 or 4 purchases for the Public Safety Division, the Director shall assure that a minimum of Eight Million Dollars (\$8,000,000.00) and an amount not to exceed Twelve Million Dollars (\$12,000,000.00), of the current budget, is spent with such businesses. The minimum and not to exceed amounts shall be adjusted as budget are approved from year to year. The Director shall file quarterly compliance reports with the City-County Council, beginning on the effective date of the merger contemplated by this ordinance

SECTION 6. On the effective date, the employees of the Perry FD shall cease employment with the Perry FD and become employees of the IFD. In this regard, the City shall assume all agreements with labor organizations that are in effect on the effective date and that apply to the employees of the Perry FD who become employees of IFD. Further in this regard, the Township shall advise and consult with the IFD Chief regarding any termination, layoff, or other reduction in force of Perry FD employees, the employment of any additional Perry FD personnel, or the promotion of any Perry FD personnel from the date this ordinance is adopted until the effective date. Subject to the provisions of this SECTION and the provisions of SECTIONS 18 and 19 of this ordinance, all Public Safety Division appointments of command staff (Battalion Chief and above for IFD and Major and above for IMPD) shall reflect the diversity of Indianapolis/Marion County as is reflected in the most recent U. S. Bureau Of Census

report. The Director shall file quarterly compliance reports with the City-County Council, beginning on the effective date of the merger contemplated by this ordinance.

SECTION 18. On the effective date and thereafter, Perry FD firefighters, who were represented by Local 416-Perry Township prior to consolidation, shall continue to be represented by Local 416 so long as Local 416 is the chosen bargaining representative of the firefighters of the consolidated department. The working conditions contained in the collective bargaining agreement between Local 416 and IFD on the date this ordinance is adopted, and IFD's rules and regulations, shall apply to the Perry FD firefighters, including the staffing levels set forth in that agreement.

SECTION 19. The current property tax rate in the current IFD Service district shall not increase above the rate effective January 1, 2009, as may be annually adjusted during the budget cycle, until full consolidation of IFD and the remaining township fire services is achieved or December 31, 2010, whichever first occurs.

SECTION 1920. Salaries of Perry FD firefighters shall become consistent with IFD on the effective date. This provision does not limit the ability of Local 416 and the City to negotiate regarding firefighter wages and benefits.

The remaining section numbers of Proposal 62, 2009, as submitted, would also change as a result of this amendment.